

**REMARKS**

Initially, Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered on the record at least because the claim amendment identified the preceding section is believed to place the claim in condition for allowance, thereby decreasing the issues for appeal, and because the claim amendment does not raise new issues requiring further search and/or consideration.

Claims 1, 3-10, 12-15, 17, 20 and 22-30 are pending in this application. Claims 1, 3-10, 12-15, 17, 20 and 22-29 have been indicated as allowed by Examiner Rosenberger. Claim 30 is amended.

**Claim Rejections under 35 U.S.C. § 101**

Claim 30 stands rejected under 35 U.S.C. §101 because Examiner Rosenberger asserts that the final step of “determining does not appear to be sufficient to constitute a tangible result, since the outcome of the determining step is not claimed in a disclosed practical application nor is it outcome being made available in such a manner that its usefulness in a disclosed practical application can be realized.” In order to further understand this rejection, Applicant’s representative contacted Examiner Rosenberger on January 26, 2007, via telephone. In generic terms, Examiner Rosenberger indicated that outputting, displaying or recording a determined distance would likely overcome a 35 U.S.C. § 101 rejection of this nature. As such, Applicant respectfully traverses the rejection of claim 30 as detailed below.

In particular, claim 30 is amended to recite “recording the determined distance, the determined distance being used to generate a surface profile of the measurement object.” Accordingly, amended claim 30 is believed to provide a tangible result, and the output, i.e., the determined distance, is being made available.

In light of the above, Applicant respectfully requests that the rejection of claim 30 under 35 U.S.C. § 103 be withdrawn.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

  
DJD/SAE:ame